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Attorneys for PLAINTIFF
MEDICAL AIR TRANSPORT, INC.,

FILED

MAY 11 2006

RICHARD J. SPEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MEDICAL AIR TRANSPORT, INC.

Plaintiff,

vs.

EADS FRANCE, S.A.S.,
EUROCOPTER, S.A.S., AMERICAN
EUROCOPTER CORPORATION, LLC,
f/k/a AMERICAN EUROCOPTER and
DOES 1 through 50, inclusive,

Defendants.

No. C05-04216 RMW

EX PARTE APPLICATION TO REMOVE
CASE MANAGEMENT CONFERENCE
FROM CALENDAR PENDING HEARING OF
NOTICE OF MOTION AND MOTION TO
TRANSFER FOR CONVENIENCE

AND ORDER
DATE: FRIDAY, MAY 12, 2006

TIME: 10:30 a.m.

Upon the following declaration in support hereof, Plaintiff, Medical Air Transport, Inc., applies to this court to remove the scheduled Case Management Conference from the court's calendar pending Plaintiff's Motion for Change of Venue made pursuant to 28 USC §1391(a)(2) and (b)(2) and §1404(a).

I, Daniel J. De Vries, do declare:

I am the attorney of record for Plaintiff Medical Air Transport, Inc. The matters stated herein are true of my own knowledge except those matters which are stated upon information and belief, and as to those matters, I believe them to be true. If called as a witness, in this cause, I could and would competently testify thereto.

As the Complaint makes clear, the basis for this action is a helicopter accident involving two deaths which occurred near Roswell, New Mexico on October 19, 2001. The Plaintiff is incorporated in Nevada. The Defendant is incorporated in Texas, but is headquartered in France. Related litigation is currently pending in New Mexico. Therefore, judicial economy, as well as the interests of justice and the convenience of witnesses require that the above-captioned litigation be transferred to the United States District Court in that region due to: the location of the fatal accident, the presence and location of witnesses, and the already-pending litigation.

Since all events, as well as the "sequence of events," giving rise to the above-captioned litigation occurred in Roswell, New Mexico, venue is appropriate in that district pursuant to USC §1391(a)(2). *Uffner v. La Reunion Francaise, S.A.* (1st Cir. 2001) 244 F3d 38, 42. Of course, all witnesses and the accident site itself are also located in Roswell, New Mexico. Therefore, plaintiff is in the process of preparing a Motion for Change of Venue and Notice of Motion pursuant to 28 USC §1404(a): "The convenience of third party witnesses and the interests of justice must also be considered." *Ferens v. John Deere Co.* (1990) 494 US 516, at 527-528. Plaintiff's motion will be filed within the next 30 days and if the court grants the motion, any further case management may be scheduled by that court.

Therefore, Plaintiff respectfully requests that the Case Management Conference scheduled for Friday, May 12, 2006, at 10:30 be removed from the court's calendar pending hearing of a Notice of Motion and Motion to Transfer for Convenience.

IT IS ORDERED that Plaintiff file their motion for change of venue by 6/19/06. HEARING ON THE MOTION IS SET FOR 7/21/06 @ 9:00am. The Case Management Conference is set for August 18, 2006 @ 10:30am.

DATED: May 10, 2006

DEVRIES LAW GROUP

DATED: 5/11/06

By

DANIEL J. DE VRIES
Attorneys for PLAINTIFF
MEDICAL AIR TRANSPORT, INC.

Ronald M. Wray Jr.
U.S. District Judge